

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Susan D. Wigenton  
v. : Crim. No. 09-498 (SDW)  
AUGUSTINO SMITH : CONTINUANCE ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Brian L. Urbano, Assistant U.S. Attorney), and defendant Augustino Smith (Robert Olejar, Esq., appearing) for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

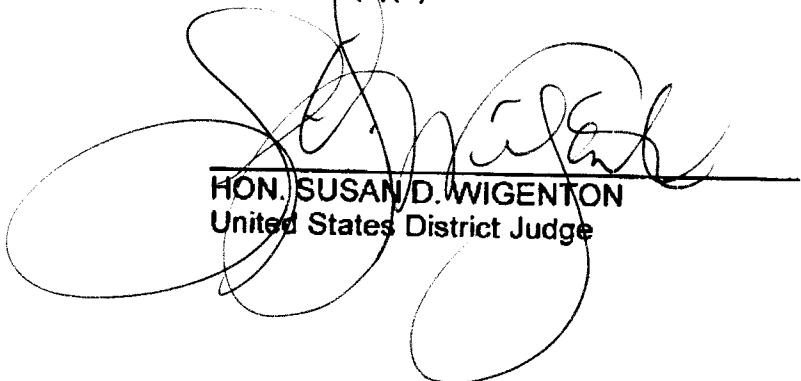
1. Plea negotiations are currently in progress, and both the United States and the defendants desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;
2. Defendant has consented to the aforementioned continuance; and

3. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 23<sup>rd</sup> day of March, 2011,

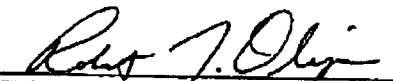
IT IS ORDERED that defense motions shall be filed by May 30, 2011, the government's reply shall be filed by June 13, 2011, the defense surreply, if any, shall be filed by June 20, 2011, the argument of the motions is scheduled for June 27, 2011, and the trial is scheduled for June 28, 2011; and

IT IS FURTHER ORDERED that the period from March 29, 2010, through May 30, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(8).



HON. SUSAN D. WIGENTON  
United States District Judge

I hereby consent to the form  
and entry of this Order



ROBERT OLEJAR, ESQ.  
ATTORNEY FOR AUGUSTINO SMITH



BRIAN L. URBANO, AUSA